

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

PASS & SEYMOUR, INC.,

Plaintiff,

v.

Civil Action No.
5:07-CV-00945 (NAM/DEP)

HUBBELL INCORPORATED,

Defendant.

APPEARANCES: _____ OF COUNSEL: _____

FOR PLAINTIFF:

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DAVID E. PEEBLES
U.S. MAGISTRATE JUDGE

ORDER

Currently pending before the court in connection with this patent infringement suit is an application by defendant Hubbell Corporation (“Hubbell”) for an order compelling discovery pursuant to Rule 37 of the Federal Rules of Civil Procedure. In its motion, Hubbell requests an order requiring plaintiff Pass & Seymour, Inc. (“P&S”) to catalog some 400,000 documents, produced in response to seventy-two separate document discovery requests in a format which, P&S asserts, mirrors the manner in which there ordinarily kept, thus satisfying the requirements of the controlling rules. Hubbell also seeks supplementation of plaintiff’s responses to three interrogatories served by the defendant, asserting insufficiency of the answers initially received from P&S.

Oral argument was conducted in connection with Hubbell’s motion on August 20, 2008. During that hearing I rendered a bench decision orally granting the motion, in part, as it relates to one of the three disputed

interrogatory responses, but otherwise denying the portion of the motion addressing the sufficiency of P&S responses to Hubbell's interrogatories, reserving decision with respect to the document production issue raised. Based upon the foregoing and the court's bench decision, which is incorporated herein by reference, it is hereby

ORDERED as follows:

1) Defendant's motion to compel discovery (Dkt. No. 27) is GRANTED, in part. On or before September 19, 2008, P&S shall identify each of its products which, it maintains, is covered by any of the patents in suit in this case, either as currently constituted or based upon the parties' contemplated agreement to reduce the number of patents and/or patent claims in issue.

2) Except as to the foregoing, the portion of defendants' motion to compel discovery (Dkt. No. 27) addressing the sufficiency of plaintiff's responses to interrogatories, including questions number 3 and 12, is DENIED.

3) Decision is hereby RESERVED with regard to the portion defendants' motion addressing plaintiff's document production.

4) No costs or attorney's fees are awarded to any party in connection with the pending motions.

A handwritten signature in black ink, appearing to read "David E. Peebles", is written over a horizontal line.

David E. Peebles
U.S. Magistrate Judge

Dated: August 28, 2008
Syracuse, NY